

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:06-119 (CMC)
)	
v.)	OPINION and ORDER
)	
Alonzo P. Swinton,)	
)	
Defendant.)	
_____)	

This matter is before the court pursuant to Defendant's motion regarding an alleged "changing of my release date" by the Bureau of Prisons (BOP). ECF No. 54.

The power of a court to modify a sentence is very limited. Defendant's motion does not reach the narrow category of cases covered under 18 U.S.C. § 3582. Additionally, this court is not vested with the authority to order the relief sought by Defendant. In *United States v. Wilson*, 503 U.S. 329 (1992), the United States Supreme Court interpreted 18 U.S.C. § 3585(b) and held that awards of credit for time a defendant may have been held in official detention prior to sentencing cannot be made at sentencing. *See id.* at 503 U.S. at 333 ("Congress has indicated that computation of the credit must occur after the defendant begins his sentence. A district court, therefore, cannot apply § 3585(b) at sentencing."). Therefore, this computation necessarily must be made once a defendant is committed to the custody of the Bureau of Prisons, and this calculation is, therefore, vested therein. *See United States v. Wilson*, 503 U.S. 329, 331 (1992) ("The Attorney General, through the Bureau of Prisons (BOP), has responsibility for imprisoning federal offenders."). *See also* C.F.R. § 0.96 ("[t]he Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment or persons . . . charged with or convicted of

offenses against the United States”). The court did adjust Defendant’s sentence under U.S.S.G. § 5G1.3(b) at sentencing, and the adjustment was noted on Defendant’s Judgment Order. However, the court is without authority to order the relief sought by Defendant. Accordingly, Defendant’s motion is hereby **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 16, 2013